

Docket No. 05-015-1  
Neil Hammerschmidt  
PPD,APHIS, Station 3C71  
4700 River Road Unit 118  
Riverdale, MD 20737

Dear Mr. Hammerschmidt:

The Council of State Governments Agriculture and Rural Policy Task Force is made up of legislative and executive branch officials from every state, commonwealth and territory of the United States. Thus, it includes officials whose public, and often private roles, encompass a wide diversity of agricultural pursuits. The Task Force has reviewed the Federal Register Notice of availability of a draft strategic plan and draft program standards by the Animal and Plant Health Inspection Service at a recent meeting. We appreciate the opportunity to comment on the USDA proposal and would offer the following suggestions.

The goal.

While 48 hour traceback is a laudable goal, there are several circumstances that make it difficult if not impossible to achieve. Two areas are particularly difficult to envision success. A significant number of American cattle are raised on large western ranches using federal grazing land. Cattle on these operations are often commingled with other herds and may be on open range year round. Cows may go to different allotments based on their time through the gate or chute. Many of these locations do not have the facilities required to read every electronic tag on every animal or to guarantee the location of each cow and the cows with which it may commingle. The presence of a state line means little to an open range cow and the lack of a standardized mode of identification makes record keeping very difficult for those charged with compliance. In addition, the presence of wild cervids traveling between allotments would compound the tracking of a disease in a range situation.

Many livestock species have active show networks that encompass a wide range of management from voluntary show committees at county fairs to thousands of individual animals of multiple species at venues like the North American Livestock Exposition. The horse industry in particular may have individual animals that will be at 3-4 premises per week, including trail rides, shows and competitions. The paper trail required for a single animal could be overwhelming, let alone the thousands of animals involved. We would suggest exclusion of non-food producing animals, such as horses, llamas and alpacas. The risk to human health of animals outside the food chain is minimal and exclusion of these species that have extensive show circuits would ease the paper work burden tremendously with little impact on food safety traceability.

The difficulty for the state officials of maintaining the information database for animals that cross state lines is compounded by multiple methods of identification as required by the USDA's technology neutral solution. Assuming private and state or tribally maintained databases will be permitted, immediate access to information related to multiple species or premises would complicate data compilation within the 48 hour traceback period.

Financial Constraints.

While many segments of the livestock industry are seeing decent profit margins at this time, the economics of livestock production are extremely volatile. If federal funds are not provided to state health officials and Departments of Agriculture that may be required to enforce compliance

and maintain databases, this requirement amounts to an unfunded federal mandate on already heavily burdened state finances. The size and scope of a paper trail tracking every species, every individual or group and every movement would be massive. In addition, the cost borne by producers and market managers would not be able to be passed on. If this is truly a food safety issue as well as an issue related to terrorism and homeland security, then the costs of the program should be a part of the food inspection system and the Department of Homeland Security. The Brucellosis and Scrapies programs show the importance of assisting in the financial burden placed on states and producers. USDA must provide adequate funding for implementation and compliance down to the producer level. This will encourage faster and more comprehensive compliance.

#### Privacy and Liability

The ability to maintain confidentiality is a serious concern among livestock producers. This issue was highlighted at every USDA listening session on animal identification. As required by the Freedom of Information Act, the information contained in government maintained databases would be accessible. The impact on an individual producer from release of information related to a false positive announcement would be devastating. Producers at all levels need assurance that the data that is collected is to be used for animal disease tracking only and that it is accessible only by authorized personnel.

Livestock producers on America's farms and ranches should not be expected to assume all of the liability on an animal that moves through multiple ownership and locations and therefore has multiple exposures to livestock disease and management mistakes prior to processing. Any final program must protect individual producers at each step in the chain from liability as a result of subsequent or prior management.

Again, we appreciate the opportunity to provide our comments on this issue and look forward to working with the USDA on further efforts to develop a national animal tracking program.

Sincerely,



Representative Douglas Jones (ID)  
Agriculture and Rural Policy Co-chair



Representative Thomas Jackson (AL)  
Agriculture and Rural Policy Co-Chair